UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,566	06/24/2003	Marc T. Burton Sewell		8024

7590	12/14/2006	EXAMINER

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EXAMINER
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ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/602,566	SEWELL, MARC T. BURTON
		Examiner	Art Unit	
		Jeffery A. Brier	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 9/25/2006 has been entered.

Response to Arguments

2.   Applicant's arguments filed 9/25/2006 have been fully considered but they are

not persuasive. Although Applicant does provide differences between the prior art used

in the Final Rejection filed 31 May 2005, and the *disclosure* of the Applicant, the

limitations in the claims do not overcome the prior art used.

In regards to Applicant's remarks concerning claim 19:

Applicant amended claim 19 by changing "can" to "must be able to" in order to

more clearly claim the shape of the border and the function of the element. Applicant

presents arguments on page 5 concerning Visio that Visio's element border is "only" a

rectangle and is not "any" shape such as a circle. This is not persuasive because the

specification, see page 7 paragraph [0047] and figure 10, does not show a circle and

only conveys to one of ordinary skill in the art rectangular shaped borders (described

fence) and the application does not convey that applicant had possession of borders

that are something other than rectangular and does not convey how the shape becomes

any shape. It appears applicant is arguing the border may be a complex shape by

arguing infinitely, variably-shaped at all points, however, this is not shown in the

drawings nor does applicant specification convincingly describe a border having a

complex shape. Note LizardTech Inc. v. Earth Resource Mapping Inc., 76 USPQ2d

1724 (Fed. Cir. 2005) and Lizardtech Inc. v. Earth Resource Mapping Inc., 77 USPQ2d

1391 (Fed. Cir. 2006). The Visio reference is maintained as teaching a border having a

shape whose size is variable, at least based upon the elements the border surrounds,

giving the border a variable shape.   This amendments caused a new 112 rejection of

this claim to be formulated below.

In regards to Applicant's remarks concerning claim 20:

Applicant made amendments to this claim to more clearly claim the container

shape and clarify step (a). These amendments do not overcome Nochur because

Nochur has a subordinate graphical container and clearly has a variable amount of text

and graphics in the subordinate container. In response to 1a on page 5 Nochur's notes

and annotations are subordinate and they are text and graphics. In response to 1b-1i

on pages 6 and 7 note column 8 lines 12-13, column 11 lines 60 to column 12 line 5,

column 12 lines 10-12 and 16-26, and column 15 lines 1-13 where Nochur clearly

discusses the subordinate container is graphical and displayed, has text, graphics, or

both, and is connected to the parent item. Nochur also discusses the elements of the

map may inherit attributes, see column 5 lines 45-54. Also note claim 20 does not

require the graphical container to be displayed on a display device graphically, thus, the

use of the term "graphical" is broadly used and is even met by any internal

representation of parent child relationships. For these reason applicants arguments are

not persuasive and the rejection of this claim based upon Nochur is maintained.

In regards to Applicant's remarks concerning the objection to the specification:

Applicants specification does not describe Figs. 1B, 2-8, 11, 13B-E, 14A-B, 16, 18-20,

21A-B, and 22 in the detailed specification. Applicants may be able to add minor

references to these figures in the detailed specification in order to have these figures

properly discussed in the detailed specification.

In regards to Applicant's remarks concerning claim 1:

Applicants argument in the section spanning pages 7 to 8 is not seen because

pages 2-8 of action are arguments and are not a rejection of claim 1. A further

discussion of claim 1 follows the below discussion of claims 8, 9, and 20.

In regards to Applicant's remarks concerning claims 8, 9, and 20:

Applicants argument on page 9 concerning the 35 USC 112 rejections have been

fully considered.

1   The enablement rejection of claims 8 and 9 is maintained because the claims are

claiming more than just shapes and does not discuss all shapes, thus, limitations of

these claims are not adequately discussed to enable one of ordinary skill in the art to

build all that is claimed. Note the scope of these claims are large. Note LizardTech

Inc. v. Earth Resource Mapping Inc., 76 USPQ2d 1724 (Fed. Cir. 2005) and Lizardtech

Inc. v. Earth Resource Mapping Inc., 77 USPQ2d 1391 (Fed. Cir. 2006).

2   The indefinite rejection of claims 8 and 9 is maintained because the claims are

claiming more than just shapes and the specification does not discuss all shapes, thus,

these claimed limitation when read in light of the specification are unclear.

3   The enablement and indefinite rejection of claim 20 is maintained because the

claims do not put a limit on the variable amount nor does the claim state how a variable

amount is formed in the container.

4   The enablement and indefinite rejection of claim 20 is maintained because

"predetermined, appropriate points" it is not clear what a predetermined appropriate

point is even in light of the specification at page 7 paragraph [0046] which does not

describe the mechanism for determining the "appropriate points" and does not describe

which locations are "appropriate points" and which location are not "appropriate points".

In regards to Applicant's remarks concerning claim 1:

Applicants argument in the section spanning pages 9-11 have been fully

considered, but, they are deemed not to be persuasive. Nochur teaches a system very

similar to applicants system where in figure 6 elements 61a to 61k have predefined

meanings such as Goal 61a, Task 61j, and Person 61k. The argued "attached" and

"subordiante" are not persuasive because the claim does not claim how the subordinate

graphical container is attached. The argument concerning "predefined meanings" and

"predefined icon" and "predefined adornments" are not persuasive because Nochur also

gives the user the ability to create additional predefined shapes having meaning such

as a noun for example corresponding to Goal 61a and a verb for example

corresponding to Plan 61d or as discussed at col. 11, lines 49-53 and col. 12, lines 16-23.

In regards to Applicant's remarks concerning claim 14:

Applicants argument on page 11 have been fully considered, but, they are deemed not to be persuasive because the claim is much broader than the figure applicant has drafted to illustrated claim 14.

In regards to Applicant's remarks concerning claim 15:

Applicants argument on page 11 have been fully considered, but, they are deemed not to be persuasive because the M relates to another map which is a collection of items. See column 12 lines 31-34.

In regards to Applicant's remarks concerning claim 17:

Applicants argument on page 11 have been fully considered, but, they are deemed not to be persuasive because the rationale given in the previous office action addresses this argument. Nochur states, "An item such as Plan 71 in FIG. 7 can have data attributes such as Class 71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such as 1 for Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the attribute label in Item Attributes dialog box 72. Double clicking on an item on a map opens its attribute dialog box. The attributes of an item depend on the basic element category it belongs to. For example, a Goal item has attributes such as

priority, dates related to its accomplishment, people responsible for it, key words, etc.

Users can change attribute definition fields and screens to suit their needs." [col. 11,

lines 54-65] Thus, the identity of notation objects and relationships can be accessed

and managed by a user through the use of the attribute dialog box of Nochur.

In regards to Applicant's remarks concerning claim 20:

Applicants argument on page 11 have been fully considered, but, they are

deemed not to be persuasive for the reasons given of claim 1 above.

In regards to Applicant's remarks concerning claim 19:

Applicants argument on page 12 have been fully considered, but, they are

deemed not to be persuasive for the reasons given of claims 17 and 20 above.

In regards to Applicant's remarks concerning claim 18:

Applicants argument on page 12 have been fully considered, but, they are

deemed not to be persuasive because the output of Nochur may be applied to many

different types of tools as discussed at column 1 lines 16-21 and the term tool would be

any application of the program in that particular business and the claim does not define

what type of output is being provided to these claimed tools.

In regards to Applicant's remarks concerning claim 2:

Applicants comments on page 12 have been fully considered and it is noted that

claim 2 like claim 20 has been amended to clarify claim language.

In regards to Applicant's remarks concerning claim 3:

Applicants argument on page 12 have been fully considered, but, they are

deemed not to be persuasive because the discussion of claim 1 in the body of the

rejection teaches adjectives when the rejection references column 11 line 54 to column

12 line 15.

In regards to Applicant's remarks concerning claim 4:

Applicants argument on page 12 have been fully considered, but, they are

deemed not to be persuasive because the discussion of claim 1 in the body of the

rejection teaches graphical or text formats and note column 8 lines 12-13, column 11

lines 60 to column 12 line 5, column 12 lines 10-12 and 16-26, and column 15 lines 1-13

where Nochur clearly discusses the subordinate container is graphical and displayed,

has text, graphics, or both, and is connected to the parent item.

In regards to Applicant's remarks concerning claim 5:

Applicants argument on page 12 have been fully considered, but, they are

deemed not to be persuasive.   As discussed in the rejection Nochur does teach objects

that are verbs. For example Plan 61d is a verb and verbs are also discussed at col. 11, lines 49-53 and col. 12, lines 16-23.

In regards to Applicant's remarks concerning claims 6 and 7:

Applicants argument on page 12 have been fully considered, but, they are deemed not to be persuasive because the claim does not claim the argued limitations and for the reasons given in the rejection below.

In regards to Applicant's remarks concerning claims 8, 9, and 11-13:

Applicants argument on pages 12-13 have been fully considered, but, they are deemed not to be persuasive because Nochur's symbols represent in a symbolic way a language, see column 1 lines 7-21, column 2 lines 54-58, and column 4 lines 18-35

In regards to Applicant's remarks concerning claim 10:

Applicants argument on page 13 have been fully considered, but, they are deemed not to be persuasive because the links do identify the claim process and hierarchy of Nochur's symbols.

Specification

3.   The disclosure is objected to because of the following informalities: Figs. 1B, 2-8, 11, 13B-E, 14A-B, 16, 18-20, 21A-B, and 22 are not described in the detailed specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.   Applicant amended claim 19 by changing "can" to

"must be able to" in order to more clearly claim the shape of the border and the function

of the element. Applicant presents arguments on page 5 that the border (described

fence) may be "any" shape such as a circle. The specification, see page 7 paragraph

[0047] and figure 10, does not show a circle and only conveys to one of ordinary skill in

the art rectangular shaped borders (described fence) and the application does not

convey that applicant had possession of borders that are something other than

rectangular and does not convey how the shape becomes any shape. It appears

applicant is claiming the border may be a complex shape by claiming "infinitely,

variably-shaped at all points", however, this is not shown in the drawings nor does

applicant specification convincingly describe a border having a complex shape. Note

LizardTech Inc. v. Earth Resource Mapping Inc., 76 USPQ2d 1724 (Fed. Cir. 2005) and

Lizardtech Inc. v. Earth Resource Mapping Inc., 77 USPQ2d 1391 (Fed. Cir. 2006).

6.   Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter that was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 8 recites the limitation of "rule, process, and security object shapes". Although

Fig. 4 shows rule shapes, and Fig. 6 shows process object shapes, there is no

description to understand what these shapes are. Furthermore, Applicant's disclosure

fails to mention "security object shapes".

7.   Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter that was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 recites the limitation of "note, design point, initiative, and issue object shapes".

Although Fig. 4 shows design point, there is no description to understand what these

shapes are.

8.   Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter that was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 20 recites the limitations "variable amount" in line 4 it is unclear from Applicant's

disclosure what a "variable amount" is. Additionally, claim 20 recites the limitation of

"predetermined, appropriate points" in line 6. It is unclear from Applicant's disclosure

how the attachment points are predetermined or considered appropriate points if the

user it to indicate where these attachment points are to reside.

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 8 recites the limitation of "rule, process, and security

object shapes". It is unclear what these object shapes are. There is insufficient

antecedent basis for these limitations in the claim.

11.   Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 8 recites the limitation of "note, design point, initiative,

and issue object shapes". It is unclear what these object shapes are. There is

insufficient antecedent basis for these limitations in the claim.

12.   Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 20 recites the limitations "variable amount" in line 4 and

"predetermined, appropriate points" in line 6. It is unclear what a "variable amount" is.

Furthermore, it is unclear how the attachment points are predetermined or considered

appropriate points if the user it to indicate where these attachment points are to reside.

There is insufficient antecedent basis for these limitations in the claim. Claim 20 recites

the limitation of "controlled by its parent shape". It is unclear what "its" refers to, thus,

"its" should be changed to more clearly identify the "subordinate graphical container

shape". Additionally applicant added a period after step (a) which ends the claim at that

point thus the claim is unclear as to if step (b) is still a part of the claim or is intended to

be deleted.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14.   Claims **1, 14-17,** and **20** are rejected under 35 U.S.C. 102(b) as being anticipated

by Nochur et al. (US Patent No. 5,835,758).

The invention of Nochur discloses a computer-based method and system for

representing and communicating various conceptual and physical entities.

In regards to claim **1**, Nochur explicitly teaches *an automated graphical*

element, of a graphical tool, that is manipulated and altered primarily by an

associated user interface, wherein said element is used to visually represent a

noun or verb, and where said element is comprised of the following automatically

controlled elements:

> a) *a plurality of predefined simple and complex shapes with predefined meaning;*
>
> b) *a plurality of predefined icons representing the nouns;*
>
> c) *variable text;*
>
> d) *a plurality of predefined adornments with predefined meaning;*
>
> e) *an attached, subordinate graphical container for additional text and graphical elements.*

"As an example, if users are interested in hospital management, the domain of interest might include elements such as patients, doctors, and hospitals. As another example, if the domain of interest is education in a university setting, elements of interest to users in that domain would include students, courses, faculty, and classrooms. An application created by a general-purpose embodiment of the present invention will have one or more palettes, each palette having a set of one or more elements of relevance to the user's domain of interest. Each element is represented by its symbol and indicia and has associated with it various data and other attributes to be represented, stored, processed, and communicated over a computer-based system." [col. 5, lines 3-5]. Furthermore, "A palette generation module 10 presents the user with a library of pre-built symbols 101. The user can select from this library of symbols 101, and also create new symbols by invoking a symbol generator sub-module 103. Indicia to label each selected or created symbol are specified in symbol indicia definition sub-module 105 to create a customized palette of elements 107 relating to the domain of interest. Once a palette 107 has been generated, data and other attributes for the

elements in it are defined in attribute definition module 11." [col. 5, lines 17-27] Fig. 6,

show elements with symbols and main labels for representing entities of interest

wherein the elements represent the noun or verbs associated with their main labels

(elements 61a-61k). As can be seen, the graphical elements are comprised of a

plurality of predefined simple and complex shapes corresponding to their predefined

meaning. Element 72 of Fig. 7 shows an attribute dialog box in which a user may

manipulate the definition fields of an element to automatically adjust the element's

properties. "An item such as Plan 71 in FIG. 7 can have data attributes such as Class

71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such as 1 for

Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the attribute label

in Item Attributes dialog box 72. Double clicking on an item on a map opens its attribute

dialog box." [col. 11, lines 54-59] Furthermore, "Users can change attribute definition

fields and screens to suit their needs." [col. 11, lines 64-65] Thus, the automated

graphical elements are manipulated and altered through the user interface of the

attribute dialog box. As can be seen in Fig. 7, the item attributes dialog box also

contains a section for a user to enter text to be displayed within the graphical element,

corresponding to the variable text as stated in claim 1. Nochur further teaches the use

of a plurality of icons or letter adornments to indicate certain features attached to the

element objects. "Notes and annotations can be added in a separate box belonging to

each object. A visual cue, such as the letter N or a notepad icon will show up in the

area around and close to an item to indicate that it has a non-blank Note attached to it.

Double clicking on the cue will lead to the Note screen. Similarly, annotations are

tagged and accessed through a visual cue or the letter A appearing in the region near the object." [col. 11, line 67 – col. 12, line 5] Additionally, a map icon is placed in the area around an item to alert a user that one or more maps are attached to the item [col. 12, lines 27-49]. Therefore, the elements include a plurality of predefined icons. Additionally, the icons are attached to the elements by placing them in the area around and close to their associated item. When the icons are double clicked by a user, a list of attached documents is displayed wherein the user may select and load any document from the list [col. 8, lines 17-24]. Thus the attached documents are considered subordinate to the graphical elements and attached through the use of the icons as described above. Fig. 6 depicts a plurality of predefined adornments connecting graphical elements to one another. "Items can be connected with lines or arrows of various kinds, such as 67b and 67c to show how they are related in terms of sequence, cause-effect relationship, the flow of issues and ideas, hierarchy, etc." [col. 11, lines 49-53]. "Link generator module 14 is for defining the kinds of line and arrow segments that will be used to show relationships and hierarchies between various items on maps. Users are presented with a library of pre-built link types 142. The user can select from this library 142, and also create new link types by invoking a link generator sub-module 144. Indicia to label each selected or created link type are specified in link indicia definition sub-module 146 to create a customized set of link types 148 relevant to the domain of interest. Once a set of link types 148 has been generated, data and other attributes for each of the link types are defined in link attributes sub-module 115." [col.

5, line 67 – col. 6, line 9] Therefore, predefined adornments are provided with which to show hierarchies and relationships between elements.

In regards to claim **14**, Nochur explicitly teaches *the graphical element of claim 1 wherein there is a plurality of adornments for components that contain their own icon or text.*

A plurality of line adornments may be used to show connections and relationships between elements [col. 12, lines 16-23]. Lines 20 – 23 state, "They can also be labeled to show additional detail, or to describe various kinds of connections and the relations between the linked objects." Thus, the adornments for the elements of Nochur may contain their own text.

In regard to claim **15**, Nochur explicitly teaches *the graphical element of claim 1 wherein there is an adornment to indicate a plural or collections.*

Nochur states, "The basic document in the present invention is a map, comprised of one or more items and the links between them. A connection can be established between any item and another map or other kind of document. Once a connection is defined, for example between an item and a map, a visual cue, such as the letter M or a map icon, will appear in the area around and close to that item. The connected map can be invoked via the visual cue. Maps can be organized in a nested hierarchy to show or hide levels of detail. FIG. 8 shows a Plan item 81 next to which the letter M appears to indicate that one or more maps are attached to it. Double clicking on the M

would lead to Map Connection dialog box 82 which shows the name of a connected

map 83. Selecting the connected map's name and selecting Go To button 84 would

lead the user to the connected map on the display screen." [col. 12, lines 24 – 39]

Thus, Nochur teaches of placing the letter M or a map icon adornment on a graphical

element to indicate that one or more maps are attached to that element, corresponding

to an indicator of plural or collections.

In regard to claim **16**, Nochur explicitly teaches *the graphical element of claim*

1 wherein specification documents are automatically generated from object

information.

Nochur states, "Reports can be generated by the present invention based on the

attributes of items in maps and the attributes of links, maps, cases, and other

documents as well. Reporting is accomplished by report module 202 (FIG. 5) which

interfaces with database manager 25 to access data from database 28 to generate

various reports 51." [col. 14, lines 25-30] Thus, the reports of Nochur correspond to the

specification documents as claimed.

In regard to claim **17**, Nochur explicitly teaches *the graphical element of claim*

1 wherein the identity of notation objects and relations are accessed and

managed.

Nochur states, "An item such as Plan 71 in FIG. 7 can have data attributes such

as Class 71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such

as 1 for Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the

attribute label in Item Attributes dialog box 72. Double clicking on an item on a map

opens its attribute dialog box. The attributes of an item depend on the basic element

category it belongs to. For example, a Goal item has attributes such as priority, dates

related to its accomplishment, people responsible for it, key words, etc. Users can

change attribute definition fields and screens to suit their needs." [col. 11, lines 54-65]

Thus, the identity of notation objects and relationships can be accessed and managed

by a user through the use of the attribute dialog box of Nochur.

In regard to claim **20**, Nochur explicitly teaches *a subordinate graphical*

container shape, that is automatically connected to and controlled by its parent

shape or graphical element, comprising:

   a) *a variable amount of text, graphics, or both.*

   b) *an attachment point that can be positioned anywhere around the*

      parent shape only at predetermined, appropriate points in the vicinity

      closest to where the user indicates.

Column 11, lines 65 – 67, and Column 12, lines 1 – 5, discuss the use of a

plurality of icons or letter adornments to indicate certain features attached to the

element objects of Nochur. "Notes and annotations can be added in a separate

box belonging to each object. A visual cue, such as the letter N or a notepad

icon will show up in the area around and close to an item to indicate that it has a

non-blank Note attached to it. Double clicking on the cue will lead to the Note

screen. Similarly, annotations are tagged and accessed through a visual cue or the letter A appearing in the region near the object." Column 12, lines 27 – 49, further describes placing a map icon in the area around an item to alert a user that one or more maps are attached to the item. Column 8, lines 17 – 24, teaches that when the icons are double clicked by a user, a list of attached documents is displayed wherein the user may select and load any document from the list. Element 82 of Figure 8 shows a map connection list that is displayed as a result of double-clicking the M attachment of the PLAN element, element 81. Thus, the attached containers are considered subordinate to the graphical elements and attached through the use of the icons as described above. Additionally, the icons are controlled by the parent elements in that they are attached in area around and close to their associated parent element. The claim language of claim 20 states that the attachment points can be positioned anywhere around the parent shape only at predetermined, appropriate points in the vicinity closest to where the user indicates; however, the claim does not state that this procedure must be carried out for the placement of the attachment points. Therefore, Nochur includes the attachment icon points with which a user may open a subordinate container shape containing a variable amount of text and/or graphics resulting from the selecting of a note, case, annotation, or map icon.

15.   Claim **19** is rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft

Visio 2000 Standard Edition.

Microsoft Vision 2000 Standard Edition User Guide explicitly teaches *a grouping*

graphical element used to enclose selected shapes and said element comprising

a border of any shape that must be able to be infinitely, variably-shaped at all

points and said element must be able to have an attached subordinate graphical

container for additional elements.

Page 23 of the Microsoft Visio 2000 Standard Edition User Guide describes

grouping a number of shapes in a flow chart so that the group of shapes may be

modified as a single unit. When selecting the group, a dashed line appears around the

grouped shapes. Thus, the dashed line corresponds to a grouping graphical element

used to enclose selected shapes. Additionally, page 23 states that the group may be

modified the same, just like any single object including moving, resizing, or rotating the

group. Therefore, by resizing the group, the dashed line appearing around the grouped

shape is resizable as well. Thus, the border of the grouping element can be modified to

take on any shape to correspond to the resizing of the group. Furthermore, the claim

language of claim 19 states that the grouping element can be infinitely, variably-shaped

at all points and that it may have an attached, subordinate graphical container for

additional elements. However, the claim does not state that these limitations must be

included, only that they can and may be included. Therefore, the grouping element of

the claimed invention does not distinguish itself over the grouping element of Microsoft

Visio 2000 Standard Edition.

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,835,758 to Nochur et al.

Nochur states, "In report definition module 13, users specify the formats 131 for

various reports that they want to create, based on the attributes defined earlier for

items, maps, links, cases, and text documents. This module also creates the query

dialog boxes 133 users will need to define queries, and dialog boxes for selection and

sorting 135 data for generating various standard and customizable reports." [col. 5, lines

59-65] Nochur further states, "Reports can be generated by the present invention

based on the attributes of items in maps and the attributes of links, maps, cases, and

other documents as well. Reporting is accomplished by report module 202 (FIG. 5)

which interfaces with database manager 25 to access data from database 28 to

generate various reports 51." [col. 14, lines 25-30] Thus, the reports created by the

invention of Nochur allows for the user to specify the format of the report. Additionally,

the reports may be based on a variety of attributes including text data as described

above. It is very well known in the art to use business tools such as a word processing

program to create a report based on text documents to allow for the reading, storing,

and sharing of text documents.

It would have been obvious at the time the invention was made to modify the

invention of Nochur to include outputting the reports in a word processing program so

that a user may be better able to read, store, share, and edit the resulting report.

18.   Claims **2-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nochur et al. (US Patent No. 5,835,758) in view of WinFlow for Windows.

Nochur et al. teaches placing text within the graphical elements through the use

of the attribute dialog box and labeling the elements according to their type and class.

In regards to claim **2**, the claim language states that icons, text, or both can be placed

within the element shapes, an instance in which one or the other, or both being placed

in the elements will suffice as prior art. Therefore, Nochur teaches of ***placing icons***

and/or text within the element shapes by placing the text from the attribute dialog box

within the corresponding element. As can be seen from Figure 7, the two illustrated

elements are also both named according to their class and type. Thus, the objects are

given noun equivalent names. However, Nochur does not teach of orienting the size

and shape of the element to the included text. The program of WinFlow is a flowchart-

authoring tool. Page 94 of the WinFlow User Guide describes the use of the "Fit Text to

Symbol" command to fit the enclosed text to a symbol's size. Thus, the size of a symbol

in the WinFlow program may be enlarged so that the entire portion of included text may

be displayed to a user. It is well known in the art of flowchart design that portions of

included text within graphical elements that are too large to fit with the element are either cut from view or spill outside of the element's shape boundary, resulting in an unpleasing visual result.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Nochur to include orienting the size of the graphical elements according to the included text inside them as in WinFlow. One would have been motivated to make such a modification to Nochur so that the entire portion of included text inside an element may be displayed to a user without any of the text being either cut from the user's view or spilling outside of the element's shape boundary, resulting in unpleasing visual results.

In regard to claim **3**, the rationale of claim 1 is incorporated herein. Furthermore, the adornments of Nochur as described above, can be used to indicate the hierarchy between graphical elements.

In regard to claim **4**, the rationale of claim 1 is incorporated herein. Furthermore, the graphical elements of Nochur and their included text are presented in graphical format in Figs. 6, 7, and 8.

In regard to claim **5**, the rationale of claim 1 is incorporated herein. Furthermore, the graphical elements of Nochur, are linked by line and arrow adornments that are representative of sequence, hierarchy, flow, and cause-effect relationships, thus corresponding to a plurality of verbs [col. 11, lines 49-53; col. 12, lines 16-23].

In regard to claims **6** and **7**, the rationale of claim 1 is incorporated herein. Furthermore, the attribute dialog box shown in Fig. 7 of Nochur, illustrates a structured

input area for a user to provide detailed specifications of a graphical element.

Additionally, notes and connection properties may be specified for a graphical element

using the attribute dialog box. As stated, "Notes and annotations can be added in a

separate box belonging to each object. A visual cue, such as the letter N or a notepad

icon will show up in the area around and close to an item to indicate that is has a non-

blank Note attached to it." [col. 11, line 65 – col. 12, line 2] Thus, selected portions of

the specification as described in the attribute dialog box are displayed as adornments to

the element shape.

In regard to claims **8, 9**, and **11-13**, Nochur states, "A general domain-

independent embodiment of the present invention is a system for generating

applications that are customized to meet the needs of users. This embodiment enables

users to create applications that are specific to the domain of interest to them. As an

example, if users are interested in hospital management, the domain of interest might

include elements such as patients, doctors, and hospitals. As another example, if the

domain of interest is education in a university setting, elements of interest to users in

that domain would include students, courses, faculty, and classrooms. An application

created by a general-purpose embodiment of the present invention will have one or

more palettes, each palette having a set of one or more elements of relevance to the

user's domain of interest. Each element is represented by its symbol and indicia and

has associated with it various data and other attributes to be represented, stored,

processed, and communicated over a computer-based system." [col. 4, line 66 – col. 5,

line 15] Thus, Nochur teaches that there may be a plurality of different elements

corresponding to the domain of interest of a user. Additionally, Nochur teaches that a user may create new symbols relating to their domain of interest. "A palette generation module 10 presents the user with a library of pre-built symbols 101. The user can select from this library of symbols 101, and also create new symbols by invoking a symbol generator sub-module 103. Indicia to label each selected or created symbol are specified in symbol indicia definition sub-module 105 to create a customized palette of elements 107 relating to the domain of interest." [col. 5, lines 17-24] Therefore, any number of various shapes may be created to signify object types.

In regard to claim **10**, Nochur states, "Link generator module 14 is for defining the kinds of line and arrow segments that will be used to show relationships and hierarchies between various items on maps. Users are presented with a library of pre-built link types 142. The user can select from this library 142, and also create new link types by invoking a link generator sub-module 144. Indicia to label each selected or created link type are specified in link indicia definition sub-module 146 to create a customized set of link types 148 relevant to the domain of interest. Once a set of link types 148 has been generated, data and other attributes for each of the link types are defined in link attributes sub-module 115." [col. 5, line 67 - col. 6, line 9] Therefore, Nochur teaches of including a plurality of link adornments in which to identify the hierarchy and processes of the flowchart object shapes. Additionally, by adorning the objects of Nochur with the various links, the graphical elements may be identified as procedural and hierarchical shapes.

Conclusion

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-

7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael

Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization

where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free).
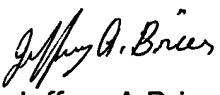
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